

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COUNTY OF BUTLER, et al.,	:	Civil Action No. 2:20-cv-677
Plaintiffs	:	
	:	
vs.	:	Hon. William S. Stickman IV
	:	
	:	
THOMAS W. WOLF, et al.,	:	
Defendants	:	

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA	:	
	:	ss.
COUNTY OF WASHINGTON	:	

My name is Diana Irely Vaughan. I reside in Washington County, Pennsylvania. I am the current chairman of the Washington County Board of Commissioners. I was elected in 1995 and am currently serving my 7th term as County Commissioner in Washington County. At all times relevant to the Governor's and Health Secretary's Shutdown Orders and "Stay-at-Home Orders," I was serving in my capacity as Chairman of the Washington County Board of Commissioners.

On March 19, 2020, Governor Wolf issued Orders closing all "non-essential" businesses and requiring citizens to stay at home. My fellow Commissioners and I then approved a separate Emergency Declaration for Washington County. Unlike Governor Wolf's Shutdown Orders, the Emergency Declaration for Washington County did not contain provisions mandating the closure of non-essential businesses or mandating that individuals stay at home as we do not believe that the county government possesses the authority to issue such decrees, nor were such decrees appropriate. Due to the Shutdown Orders from Governor Wolf and Secretary Levine,

Washington County was forced to operate with minimal essential staff, operating by appointment only or via teleconference. This resulted in 64 employees being furloughed and the remainder of the employees transitioned to telecommuting. Washington County had to secure additional laptops, upgrade existing laptops, secure polycom hardware, and upgrade the network infrastructure for the County in order to facilitate a productive telecommuting system. This has caused the County to expend significant funds of approximately \$119,226.45.

The Shutdown Orders have also severely impacted our ability as County Commissioners to hold our bi-monthly meetings with effective participation from Washington County residents. The Shutdown Orders forced our public meetings to be held via conference call due to the travel ban and the congregate restrictions, and required residents to partake via Facebook live streaming as per Senate Bill 841. Many of our residents do not have access to a reliable internet connection, making the use of virtual platforms ineffective. We have had as many as 100 residents and citizens attend the Older American's proclamation month prior to the Shutdown Orders. Yet, after being forced to implement virtual meetings we have struggled to get more than 3 residents to participate in our meetings. In total, the County has lost over \$150,000 due to the shutdown orders issued by Governor Wolf and Dr. Levine. In April 2020, our CYS reports a 27% decrease in Childline call volume in comparison to 2019, leaving children at a greater risk for abuse. Aging Services provided additional meal services to the senior population. The Sheriff's office suspended the Sheriff's real estate sales, had a temporary stoppage of gun permits until a safe plan could be developed, along with minimal warrant executions, due to changes in corrections admittance. Our correctional facility released 34 offenders, with four re-incarceration incidents. We have also seen increased costs from the increase in mail-in ballots, which requires additional staff to screen and process. In the 2019 primary election, 817 absentee

ballots were issued with 689 returned. For 2020, 27,456 ballots were issued and 22,225 were returned. These mail-in ballots in conjunction with the Shutdown Orders also severely threatened the security of elections within the County as amateur poll workers were unable to be procured to county and process the ballots, leaving the polls understaffed during the 2020 primary election.

The Governor's Shutdown Orders also had a significant financial impact on residents and businesses of Washington County. Following the shutdown order on March 19, hundreds of constituents called, emailed, or Facebook messaged into the Commissioners to levy complaints related to their financial wellbeing during the pandemic, with many businesses facing dire financial situations due to being forced to cease business during the outbreak. These financial impacts are still felt by many of our residents while in the Green designation. Small business owners such as: Angelo's restaurant, Franco restaurant, Bartram House Bakery, Geno Levi Hair Salon, Studio Seven Hair Salon, and Nail II Salon are all experiencing continued financial losses as a result of being forced to operate at 50% capacity. Our proximity to West Virginia, which has much lighter restrictions on businesses for the COVID-19 pandemic, caused many of the individuals who sought goods or services in Washington County businesses to travel across state lines to West Virginia where they were able to move and shop freely. This caused many Washington County businesses to lose a significant portion of their customer base that may not ever fully return. Outdoor capacity restrictions to Washington Wild Things, minor league baseball team, are not comparable to larger indoor department stores. In addition to this the hotel industry in Washington County was decimated by being forced to close down, causing the County and its designee to lose significant hotel tax revenue, estimated projected losses are approximately \$1.4 to \$1.6 million.

I believe that Washington County's reported COVID-19 cases and deaths when compared to other Pennsylvania Counties should have resulted in different treatment than that which the Governor and Secretary of Health imposed upon us. This disparate treatment resulted in significant deprivation of the constitutional rights of our citizens including the ban on their (our) travel, assembly, worship, and free speech. The Commonwealth's forced closures of small businesses provided little or no opportunity for an appeal process to reopen in order to compete with large box stores, the lack of transparency is unjustified.

The constitutional rights of the citizens of Washington County should never be lost or set aside whether by pandemic or other disaster. The quarantine of healthy people and the closure of businesses with no relationship to the spread of the disease, should not be tolerated. The deprivation of these rights has occurred in Washington County as a result of the actions of the Governor and Secretary of Health.

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief. I declare, certify, verify, or state under penalty of perjury that the foregoing is true and correct, under 28 U.S.C. Section 1746, relating to unsworn declarations under penalty of perjury.


Diana Irey Vaughan